

### **REMARKS**

Claims 1-17 are now pending in the application and stand rejected. Claims 1, 2, 12, 13, and 15-17 have been amended. Support for the amendments can be found throughout the application, drawings and claims as originally filed and, as such, no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1, 2, 12, 13 and 15-17 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants direct the Examiner's attention to Claims 1, 2, 12, 13, and 15-17 which have been amended to overcome the rejections.

### **REJECTION UNDER 35 U.S.C. § 102 & § 103**

Claims 12 and 15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Marcus (U.S. Publ. No. 2002/0077902). Claims 1-11, 13, 14, 16 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Marcus in view of Herzen et al. (U.S. Publ. No. 2002/0099652). In view of the arguments and amendments herein, these rejections are respectfully traversed.

The Examiner's attention is directed to independent Claims 1, 12 and 17. Claims 1, 12 and 17 have been amended to include the limitation "contacting the customer if

the value of the embedded information is incorrect.” Applicants note that the references do not teach these limitations.

With respect to the rejection of Claims 3, 16 and 17, the Office characterizes Herzen as teaching preventing providing a rebate if the product has been returned. Applicants traverse this characterization.

Cited paragraph [0119] of Herzen teaches the use of a scratch ‘n sniff rebate code. Herzen teaches printing on the paper with the code, “revealing this code signifies your acceptance of this product and waves your right of return of the product.” Clearly, this paragraph does not teach tracking the return of a product as is claimed.

Cited paragraph [0122] of Herzen discloses a large internet company which offers a \$10.00 instant cash incentive if the customer signs up for service. Applicants respectfully assert that this example does not teach “determining if the product has been returned prior to providing a second party rebate” as is claimed. As such, Applicants submit the references do not teach each limitation of the claims and, therefore, the rejection is improper.

## **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

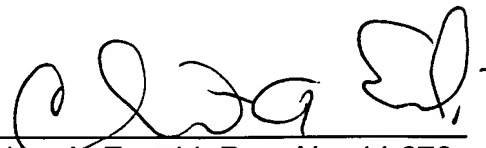
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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